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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,345	07/16/2003	David E. Lee	03-157	5020

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EXAMINER

WOO, STELLA L

ART UNIT PAPER NUMBER

2643

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/623,345

**Applicant(s)**

LEE ET AL.

**Examiner**

Stella L. Woo

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/16/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-5, 7, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Zirul et al. (US 2002/0098874 A1, hereinafter “Zirul”).

Regarding claim 1, Zirul discloses a telecommunication system, comprising:

a telephone device (cellular telephone 100) having a plurality of buttons (buttons 40a, 40b, 40c), a memory (outgoing telephone number memory 210) and a processor (processor 180); means for storing a plurality of approved numbers in said memory associated with said buttons (telephone numbers associated with buttons 40a, 40b, 40c are placed into memory by an authorized user via any of several means; page 3, paragraph 37, lines 1-4), said means being at least one of (1) remote from said telephone device (authorized user can enter the desired telephone numbers for storing via personal computer 300, website 320, wireless carrier 330, which is remote from cellular telephone 100; Fig. 5; page 6, paragraphs 66-67), and (2) password protected (authorized user can enter desired telephone numbers after entering a password; page 3, paragraph 37, last three sentences);

wherein said processor is adapted to allow outgoing calls to be placed by said telephone device only to approved numbers (cellular telephone 100 restricts outgoing calls to only the predetermined telephone numbers stored in memory 210; page 5, paragraph 54).

Regarding claim 2, an authorized user enters telephone numbers in authorized incoming telephone number memory 220 such that incoming calls are received by telephone 100 from authorized telephone numbers only (Figure 3; page 3, paragraph 38; page 5, paragraph 55).

Regarding claim 4, buttons 40a and 40b are associated with approved numbers (e.g. MOM and DAD) and button 40c is associated with emergency authorities ("911"; Figure 1; page 2, paragraph 26).

Regarding claim 5, telephone 100 includes a microphone (20) and speaker (10) with a silent call button (110) which mutes the speaker (page 4, paragraphs 43-44).

Regarding claim 7, when a silent call is made to a predetermined telephone number, GPS information is included in the message (page 4, paragraphs 43, 48).

Regarding claim 9, each of buttons 40a, 40b and 40c is of a different color, shape or surface texture than the other (page 2, paragraph 26).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zirul in view of Long (US 2004/0183671 A1).

Zirul differs from claim 3 in that it does not teach limiting duration of calls. However, Long teaches the desirability of limiting air time in an emergency communicator (page 2, paragraph 17) such that it would have been obvious to an artisan of ordinary skill to incorporate such call duration limitation, as taught by Long, within the system of Zirul in order to limit call charge expenses.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zirul in view of Dimino (US 5,918,180), and further in view of Saburi (US 6,556,235 B1, hereinafter "Saburi").

Zirul differs from claim 6 in that it does not specify upon receiving a call from a passive-mode triggering number, receiving the call with no audible or visible signal. However, Dimino teaches the desirability of incorporating an auto-answer, surveillance feature within a cellular telephone in which an authorized caller, with a valid PIN code (col. 5, lines 42-52), can select a silent monitoring function in which the cellular telephone 14 silently answers the call and allows the owner to monitor the sound in the vicinity of the telephone (col. 2, lines 46-47; col. 7, lines 6-9, 30-33). It would have been obvious to an artisan of ordinary skill to incorporate such a silent monitoring feature, as taught by Dimino, within the system of Zirul in order to allow a cellular telephone owner to listen to sounds in the vicinity of the telephone without alerting the person being monitored.

Zirul differs from claim 8 in that it does not specify transmitting GPS information upon receiving a call from a monitor number. However, Dimino teaches the desirability of a cellular

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telephone automatically transmitting GPS information to an authorized caller (col. 3, line 64 – col. 4, line 43) so that the owner track the location of the cellular telephone. It would have been obvious to an artisan of ordinary skill to incorporate such GPS information transmission, as taught by Dimino, within the system of Zirul in order to allow an owner to locate the telephone.

The combination of Zirul and Dimino further differs from claims 6 and 8 in that the auto-answer, silent monitoring function or GPS transmission function is triggered by the receipt of a valid PIN code, not by receiving a call from a particular triggering number. However, Saburi teaches the desirability of replacing the use of a PIN to permit an automatic answer and remote control of a cellular telephone with the use of the calling party telephone number as the criterion for judging permissibility in order to enhance security (col. 7, line 52 – col. 8, line 3). Therefore, it would have been obvious to an artisan of ordinary skill to incorporate such use of a calling number, as taught by Saburi, rather than a PIN in the combination of Zirul and Dimino in order to restrict the surveillance or tracking function to callers from a particular calling telephone number.

6. Claims 10-11, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zirul in view of Zicker (US 5,465,388).

Zirul discloses a telecommunication system, comprising:

a telephone device (cellular telephone 100) having a plurality of buttons (buttons 40a, 40b, 40c), a memory (outgoing telephone number memory 210) and a processor (processor 180);

means for storing a plurality of approved numbers in said memory associated with said buttons (telephone numbers associated with buttons 40a, 40b, 40c are placed into memory by an authorized user via any of several means; page 3, paragraph 37, lines 1-4), at least one of said

plurality of numbers being an emergency number (button 40c is associated with “911”; Figure 1; page 2, paragraph 26) and one of said buttons being a call end button (end button 70 terminates a telephone call; page 3, paragraph 39, first sentence).

Zirul differs from claim 10 in that it does not teach disabling the call end button when a call is placed to the emergency number. However, Zicker teaches the desirability of disabling the call end button when an emergency call has been placed (an established emergency call cannot be terminated; col. 10, lines 52-66). It would have been obvious to incorporate such a disabling function, as taught by Zicker, within the system of Zirul in order to prevent an emergency call from being inadvertently disconnected.

Regarding claim 11, in Zicker, the call end button is disabled until the called party terminates the call (col. 10, lines 64-66).

Regarding claim 13, in Zirul, telephone 100 includes a microphone (20) and speaker (10) with a silent call button (110) which mutes the speaker (page 4, paragraphs 43-44).

Regarding claim 14, each of buttons 40a, 40b and 40c is of a different color, shape or surface texture than the other (page 2, paragraph 26).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zirul in view of Zicker, as applied to claim 10, and further in view of Baba et al. (US 2003/0050039 A1, hereinafter “Baba”).

The combination of Zirul and Zicker differs from claim 12 in that it does not specify redialing the emergency number upon loss of signal. However, Baba teaches the desirability of a cellular telephone (10) attempting reconnection with an emergency report center in the event a communication error arises during the course of a telephone call with the emergency report

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center (page 3, paragraph 31; page 12, paragraphs 139-140) such that it would have been obvious to an artisan of ordinary skill to incorporate such automatic reconnection, as taught by Baba, within the combination of Zirul and Zicker in order to ensure an emergency call can be automatically reestablished in the event of the call is dropped due to communication error such as signal loss.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bertolet and Kearns et al. show other emergency systems with a silent mode. Bertolet additionally shows preventing disconnection until the emergency operator turns the device off. Monroe, Boling et al., and Clise et al. show other emergency system which communicate GPS information. Kokhan shows buttons having different shapes.

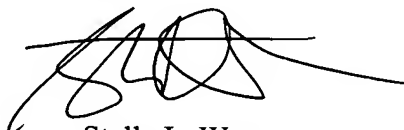
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a long horizontal line extending to the right.

Stella L. Woo  
Primary Examiner  
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